

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARL FOUST,

Plaintiff,

v.

ALLEN, et al.,

Defendants.

No. 2:23-cv-00179-DAD-DMC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S MOTIONS FOR INJUNCTIVE
RELIEF

(Doc. Nos. 34, 35, 37, 89)

Plaintiff Carl Foust is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 3, 2025, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motions for injunctive relief be denied. (Doc. No. 89.) Specifically, the magistrate judge first noted that in his pending motions¹ plaintiff was seeking preliminary injunctive relief in the form of a court order requiring that prison officials provide him with a magnetic resonance imaging scan (MRI). (*Id.* at 3.) The magistrate judge then found that plaintiff's claims of excessive use of force presented in this action bore no relationship to the medical care he was seeking in his pending motions. (*Id.*) Next, the magistrate judge concluded

¹ Plaintiff's motions for preliminary injunctive relief are characterized on the docket as motions "for a court order" or "for relief." (Doc. Nos. 34, 35, 37.)

1 that to the extent plaintiff is seeking an order directed to prison officials at the California Health
2 Care Facility, his later transfer to a different institution had rendered his motions moot. (*Id.*)
3 Finally, the magistrate judge concluded that plaintiff failed to make any showing that he is likely
4 to suffer irreparable harm in the absence of a court order requiring that he receive the MRI scan
5 he is seeking. (*Id.*)

6 The findings and recommendations were served on the parties and contained notice that
7 any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 3.) To date,
8 no objections to the findings and recommendations have been filed, and the time in which to do
9 so has now passed.²

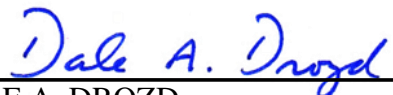
10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
11 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
12 findings and recommendations are supported by the record and by proper analysis.

13 Accordingly:

- 14 1. The findings and recommendations issued on March 3, 2025 (Doc. No. 89), are
15 adopted in full;
- 16 2. Plaintiff's motions for injunctive relief (Doc. Nos. 34, 35, 37) are denied; and
- 17 3. This matter is referred back to the assigned magistrate judge for further
18 proceedings.

19 IT IS SO ORDERED.

20 Dated: August 14, 2025

21 
22 DALE A. DROZD
23 UNITED STATES DISTRICT JUDGE

24 ² On March 20, 2025, after the pending findings and recommendations were issued, plaintiff
25 filed with the court a notice of change of address. (Doc. No. 91.) Thereafter, out of an
26 abundance of caution, the findings and recommendations were re-served on plaintiff at his new
27 address of record. In addition, the magistrate judge *sua sponte* issued an order on March 28,
28 2025, granting plaintiff an additional twenty (20) days from the date of that order in which to file
any objections to the findings and recommendations. (Doc. No. 92.) Since the date of that order
granting an extension of time plaintiff has filed several lengthy documents with the court (*see*
Doc. Nos. 93, 94, 96, 97) but has not filed any objections to the March 3, 2025 findings and
recommendations.

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